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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

GEORGE V. CARRILLO,	)	NO. CV 10-9124-DMG(E)
	)	
Petitioner,	)	
	)	
v.	)	REPORT AND RECOMMENDATION OF
	)	
K. HARRINGTON,	)	UNITED STATES MAGISTRATE JUDGE
	)	
Respondent.	)	
	)	
	)	

This Report and Recommendation is submitted to the Honorable Dolly M. Gee, United States District Judge, pursuant to 28 U.S.C. section 636 and General Order 05-07 of the United States District Court for the Central District of California.

**PROCEEDINGS**

Petitioner filed a "Petition for Writ of Habeas Corpus by a Person in State Custody" on November 24, 2010. Respondent filed an Answer on February 18, 2011. Petitioner failed to file a Reply within the allotted time.

1 The Magistrate Judge then ordered Petitioner to file a Reply  
2 within twenty (20) days of March 22, 2011. The Magistrate Judge's  
3 Order cautioned: "Failure timely to do so may result in the denial and  
4 dismissal of the Petition." Nevertheless, Petitioner again failed to  
5 file a Reply within the allotted time.

6  
7 **DISCUSSION**

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9 The Petition should be denied and dismissed without prejudice for  
10 failure to prosecute. Petitioner failed to file a timely Reply,  
11 despite a Court Order that he do so. The Court has inherent power to  
12 achieve the orderly and expeditious disposition of cases by dismissing  
13 actions for failure to prosecute. Link v. Wabash R.R., 370 U.S. 626,  
14 629-30 (1962); see Fed. R. Civ. P. 41(b).

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16 **RECOMMENDATION**

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18 For all of the foregoing reasons, IT IS RECOMMENDED that the  
19 Court issue an Order: (1) approving and adopting this Report and  
20 Recommendation; and (2) directing that Judgment be entered denying and  
21 dismissing the Petition without prejudice.

22  
23 DATED: April 21, 2011.

24  
25 \_\_\_\_\_/s/  
26 CHARLES F. EICK  
27 UNITED STATES MAGISTRATE JUDGE  
28

1 **NOTICE**

2 Reports and Recommendations are not appealable to the Court of  
3 Appeals, but may be subject to the right of any party to file  
4 objections as provided in the Local Rules Governing the Duties of  
5 Magistrate Judges and review by the District Judge whose initials  
6 appear in the docket number. No notice of appeal pursuant to the  
7 Federal Rules of Appellate Procedure should be filed until entry of  
8 the judgment of the District Court.

9 If the District Judge enters judgment adverse to Petitioner, the  
10 District Judge will, at the same time, issue or deny a certificate of  
11 appealability. Within twenty (20) days of the filing of this Report  
12 and Recommendation, the parties may file written arguments regarding  
13 whether a certificate of appealability should issue.

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